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November 21, 1997

VIA MESSENGER

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Re: **Application Serial No. 08/828,143**
Inventors: Houn Simon Hsia
Filed: March 24, 1997
Assignee: Viva America Marketing, Inc.
For: STABILIZED SOLID BACTERIA COMPOSITIONS

RESPONSE TO NOTICE TO FILE MISSING PARTS

Sir:

Enclosed herewith are the following papers for filing in the U.S. Patent and Trademark Office in connection with the above-identified application:

- (1) a Verified Statement Claiming Small Entity Status of Assignee of Independent Inventor;
- (2) a Verified Statement Claiming Small Entity Status of Independent Inventor;
- (3) an Assignment and Form PTO-1595;
- (4) a Declaration for Patent Application;
- (5) a Power of Attorney;
- (6) two copies of a Petition for Extension of Time under 37 C.F.R. § 1.136(a); and

Hon. Commissioner of Patents
and Trademarks

November 21, 1997

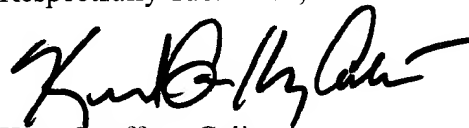
Page 2

- (7) a copy of the Notice to File Missing Parts dated August 25, 1997.

The Commissioner is hereby authorized to charge the fee of \$40.00 for Recording the Assignment to Deposit Account No. 03-3412. In addition, the Commissioner is authorized to pay the filing fee for a small entity of \$385.00, the additional claim fee of \$295.00, the \$65.00 surcharge, and the extension fee of \$55.00 to Deposit Account No. 03-3412. The Commissioner is hereby authorized to charge any deficiency in any fee due or credit any overpayment to deposit account 03-3412.

Please date-stamp and return to the messenger the accompanying filing receipt to acknowledge its receipt. Thank you for your assistance in this matter.

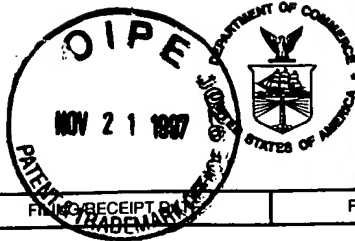
Respectfully submitted,



Kurt Geoffrey Calia
Reg. No. 38,702
Attorney for Applicant
Covington & Burling
1201 Pennsylvania Ave., N.W.
P.O. Box 7566
Washington, D.C. 20044-7566

Enclosures

bcc: Mr. David Fan, President Viva America Marketing, Inc.
Dr. Michael Arnold
Paul J. Berman, Esq.
Ms. Hsiao-Ting Cheng
Ms. Patricia Johnson



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING RECEIPT OFFICE OF COMMERCE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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08/02/97 03/24/97 H51A

FI 24400 19

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WASHINGTON DC 20044

0262/HR25

NOT ASSIGNED

DATE MAILED:

08/25/97

NOTICE TO FILE MISSING PARTS OF APPLICATION Filing Date Granted

An Application Number and Filing Date have been assigned to this application. However, the items indicated below are missing. The required items and fees identified below must be timely submitted ALONG WITH THE PAYMENT OF A SURCHARGE for items 1 and 3-6 only of \$ 130.00 for a ☒ large entity ☐ small entity in compliance with 37 CFR 1.27. The surcharge is set forth in 37 CFR 1.16(e). Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required above to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

If all required items on this form are filed within the period set above, the total amount owed by applicant as a ☒ large entity ☐ small entity (verified statement filed), is \$ 1490.00

☒ 1. The statutory basic filing fee is:

- ☒ missing.
- ☐ insufficient.

Applicant must submit \$ 770.00 to complete the basic filing fee and/or file a verified small entity statement claiming such status (37 CFR 1.27).

☐ 2. Additional claim fees of \$ 540.00, including any multiple dependent claim fees, are required. Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

- ☒ is missing.
- ☐ does not cover the newly submitted items.
- ☐ does not identify the application to which it applies.
- ☐ does not include the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are:

- ☐ missing.
- ☐ by a person other than inventor or person qualified under 37 CFR 1.42, 1.43, or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$ _____ processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☐ 8. The application does not comply with the Sequence Rules.

See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.822"

☐ 9. OTHER:

Direct the response and any questions about this notice to "Attention: Box Missing" parts.

A copy of this notice MUST be returned with the response.

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